

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: RICCARDI, C.

Application No.: 09/403,861

Filed: February 11, 2000

For: INTRACELLULAR MODULATORS OF APOPTOTIC CELL

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is an [ ] Amendment [XXX] RESPONSE TO NOTICE TO COMPLY with Sequence Listing and disk in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

[ ] The fee has been calculated as shown below:

|  | (Col. 1)<br>CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | (Col. 2) | (Col. 3)<br>HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA<br>EQUALS |
|--|---|----------|---|----------------------------|
| TOTAL  | *   | MINUS    | ** 20   | 0                          |
| INDEP.   | *   | MINUS    | *** 3   | 0                          |
| <b>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</b> |   |          |   |                            |

ADDITIONAL FEE TOTAL

| SMALL ENTITY |                   |
|--------------|-------------------|
| RATE         | ADDITIONAL<br>FEE |
| x 9          | \$                |
| x 39         | \$                |

OR

| OTHER THAN SMALL ENTITY |                   |
|-------------------------|-------------------|
| RATE                    | ADDITIONAL<br>FEE |
| x 18                    | \$                |
| x 78                    | \$                |

OR

TOTAL

\$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- [ ] First - \$ 55.00
- [ ] Second - \$ 190.00
- [ ] Third - \$ 435.00
- [ ] Fourth - \$ 680.00

## Month After Time Period Set

[ ] Less fees (\$\_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

## Other Than Small Entity

## Response Filed Within

- [ ] First - \$ 110.00
- [ ] Second - \$ 380.00
- [ ] Third - \$ 870.00
- [ ] Fourth - \$ 1360.00

## Month After Time Period Set

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$\_\_\_\_\_.

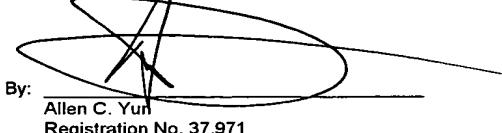
[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$\_\_\_\_\_.

[ ] A check in the amount of \$\_\_\_\_\_ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

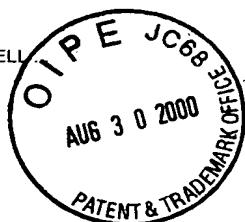
BROWDY AND NEIMARK

Attorneys for Applicant(s)



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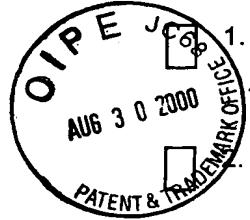
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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

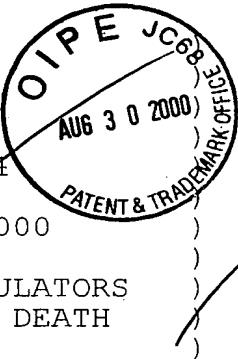
In re Application of:

RICCARDI, Carlo

Appln. No.: 09/403,864

Filed: February 11, 2000

For: INTRACELLULAR MODULATORS  
OF APOPTOTIC CELL DEATH  
PATHWAYS



Art Unit: 1653

Examiner: G. Bugaisky

Washington, D.C.

August 30, 2000

Atty. Docket: RICCARDI=1

**RESPONSE TO NOTICE TO COMPLY WITH  
SEQUENCE LISTING REQUIREMENTS**

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply, dated July 31, 2000, please amend the present application as follows:

IN THE SPECIFICATION

Page 17, line 22, after "nucleotide" insert --(SEQ ID NO:1)--;  
line 23, after "acid)" insert --(SEQ ID NO:2)--.

Page 18, line 4, after "motif" insert -  
C1 76-101 of SEQ ID NO:2)---;

line 6, after "family" insert --(SEQ ID NOs:7-11)--.

Page 20, line 26, after "nucleotide" insert --(SEQ ID NO:5)--;  
line 27, after "acid)" insert --(SEQ ID NO:6)--;

ST. 9  
Seq. Inv. 11/9/1700  
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